

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

TUESDAY, THE 16TH OCTOBER 2007 / 24TH ASWINA 1929

WP(C).No. 30107 of 2007(H)

PETITIONERS:

1. REJI ABRAHAM, S/O.C.T.ABRAHAM,
PLAMOOTTIL HOUSE, AKATHETHARA P.O.,
PALAKKAD DISTRICT.
2. BALAN M., S/O.MURUKAN,
VAKKYPOTTA, AKATHETHARA P.O.,
PALAKKAD DISTRICT.
3. SIVADAS K., S/O.T.KUMARAN,
KANGATH HOUSE, PAPPADI, DHONI P.O.,
PALAKKAD DISTRICT.
4. PHILIP M.V., S/O.MATHAI VARGHESE,
MALIAKKALPARAMBIL HOUSE, AKATHETHARA P.O.,
PALAKKAD DISTRICT.
5. P.V.THOMAS, S/O. VARGHESE,
PICHANATTU HOUSE, NEAR N.S.S COLLEGE OF
ENGINEERING, AKATHETHARA P.O., PALAKKAD DISTRICT.
6. BABU, S/O.VARGHESE,
PUTHENPURAYIL HOUSE, NEAR N.S.S COLLEGE OF
ENGINEERING, AKATHETHARA P.O., PALAKKAD DISTRICT.
7. LIJO JOSE, S/O.T.L. JOSE,
THOKALATH HOUSE, AKATHETHARA P.O.,
PALAKKAD DISTRICT.

BY ADV. SRI.SAJAN VARGHEESE K.
SRI.LIJU. M.P

WPC.NO.30107/2007 H

RESPONDENTS:

1. THE DISTRICT COLLECTOR, PALAKKAD.
2. THE TAHSILDAR, PALAKKAD.
3. THE REVENUE DIVISIONAL OFFICER,
PALAKKAD.
4. THE VILLAGE OFFICER, AKATHETHARA VILLAGE
PALAKKAD.
5. AKATHETHARA GRAMA PANCHAYAT,
AKATHETHARA, PALAKKAD DISTRICT, REPRESENTED BY
THE SECRETARY.
6. SRI.VINOD, S/O.DAMODARAN,
"POURNAMI", PAVATTAMKUNNAM, DHONI P.O.,
PALAKKAD DISTRICT.
7. SMT.ALIAMMA, W/O.M.A.VARGHESE,
KUNNATH HOUSE, PULAPETTA, PALAKKAD DISTRICT.
8. PERIYAR CONSTRUCTIONS, HOUSE NO.151,
CHANDRANAGAR, PALAKKAD DISTRICT, REPRESENTED BY
ITS MANAGER, SRI. SASI (MOBILE PHONE:9446239755).

BY GOVERNMENT PLEADER SRI. M.R. SABU

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 16/10/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

KSS

WPC.NO.30107/2007 H

APPENDIX

PETITIONER'S EXHIBITS:

- EXT.P1: PHOTOGRAPHS SHOWING THE HILL, EXCAVATING OF EARTH
AND SEMI-DRIED SPRING.**
- EXT.P2: COPY OF THE PETITION SUBMITTED BEFORE THE
RESPONDENTS NO.1 TO 5.**
- EXT.P3: COPY OF THE STOP MEMO DTD. 3/08/2007 (NO.197/2007)
ISSUED BY THE RESPONDENT NO.4.**
- EXT.P4: COPY OF THE PETITION DTD. 12/09/2007 SUBMITTED BEFORE
THE C.I. OF POLICE, HEMAMBIKA NAGAR.**

/TRUE COPY/

P.A.TO JUDGE

KSS

ANTONY DOMINIC,J.

W.P (C) No. 30107 of 2007

Dated this the 16th October, 2007

J U D G M E N T

Exhibit -P3 is a Stop Memo issued by the 4th respondent against the continuance of excavation. Complaint of the petitioners is that ignoring Exhibit-P3 excavation still continues. It is also submitted that despite the filing of Exhibit-P2 before the respondents 1 to 5, excavation continues as before. By order dated 10.10.2007, notice was ordered in this writ petition by Special Messenger to the respondents and despite the service of notice, there is no appearance on behalf of the party respondents.

2. In view of the above, this writ petition is disposed of directing the 1st respondent to enquire into the allegations raised by the petitioners in Exhibit-P2 and take a decision in the matter. Until a decision is taken as above, respondents 1 to 5 will ensure that Exhibit-P3 Stop Memo is implemented fully. Decision on Exhibit-P2 shall be taken as expeditiously as possible, at any rate, within one month from the date of receipt of a copy of this judgment.

(ANTONY DOMINIC, JUDGE)

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K.THANKAPPAN,J

CRL.A. NO.92 OF 1999

ORDER

25th May, 2007